Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/24/0286
Firsland Park Estate , Henfield Road, Albourne, West Sussex, BN6 9JJ

DESCRIPTION:
Application for Approval of Details Reserved by Conditions 5, 6 and 7 to approved application DC/23/2037

RELEVANT PLANNING HISTORY:

DC/23/2037	Replacement commercial units for B2/B8/E(g)* (* formerly B1) use along with additional communal parking	Application Permitted on 13.02.2024

PLANNING ASSESSMENT

Planning permission for the erection of 8x total commercial units was granted pursuant to ref: DC/23/2037 in 13.02.2024. Planning permission was granted subject to conditions, with consent now sought for an approval of details reserved by Conditions 5, 6 and 7.

Condition 5

Condition 5 states:-

*"**Pre-Occupation Condition:** The development hereby permitted shall not be occupied unless and until full details of proposed measures for biodiversity enhancement have been submitted to and approved by the Local Planning Authority in writing. The enhancement measures must accord with the measures recommended at Section 5 to the approved Preliminary Ecological Appraisal (The Ecology Co-op, dated 26th September 2023, ref: 5893) and shall include details of:-*

- Locations of proposed enhancement measures by way of appropriate maps and plans;
- Specifications for proposed bird boxes and bat tubes, tiles and/or boxes;
- Details of hedge planting, including schedules specifying species, planting size, densities and plant numbers;
- Details of initial aftercare and long-term maintenance;

Bird boxes and bat tiles, tubes and/or boxes shall be installed in accordance with the approved details prior to the first occupation of the development hereby permitted. New hedges shall be planted in accordance with the approved measures within the first planting season following the first occupation of any part of the development. Any approved hedge planting which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development delivers opportunities for biodiversity enhancement in accordance with Policy 31 of the Horsham District Planning Framework (2015) and Paragraph 180(d) of the National Planning Policy Framework (2023)."

In support of the above condition the applicant has provided a professionally prepared Biodiversity Enhancement Scheme (Environmental Assessment Services Ltd, ref: 178/Brett/FirslandPark/BES). The

submitted Biodiversity Enhancement Scheme directly references the earlier Preliminary Ecological Appraisal at Section 5, with the proposed Scheme to provide native species-rich hedgerows to the southern and western site boundaries and the incorporation of bat and bird boxes to the approved building. The locations of bat and bird boxes is denoted within a plan accompanying the Scheme, together with proposed stretches of hedgerow and their species composition.

The proposed measures are considered proportionate to a development of the proposed scale and align with the recommendations of the earlier Preliminary Ecological Appraisal. These measures have been considered by the Council's consultant ecologists, who have commented that the proposed measures are acceptable. It is, therefore, considered that the proposed details are sufficient to satisfy the requirements of Condition 5, which can be discharged accordingly.

Condition 6

Condition 6 states:-

*"**Pre-Occupation Condition:** The development hereby approved shall not be occupied unless and until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall be coordinated with proposed ecological enhancement measures required by Condition 5, and shall address existing and proposed features that are particularly sensitive to bats and where lighting is likely to cause disturbance to roosts and routes used for foraging and/or commuting. The lighting design scheme shall demonstrate that lighting will not impact upon bat roosts, commuting and/or foraging and include details of the positions, orientations and heights of proposed lighting in addition to the technical specifications for proposed luminaries.*

Reason: As these details are fundamental to safeguard the ecological interest of the area, and to ensure that ecological enhancement measures are not compromised by the installation of inappropriate lighting in accordance with Policy 31 of the Horsham District Planning Framework (2015) and Paragraph 180(d) of the National Planning Policy Framework (2023).

In response to the above condition the applicant has provided a written covering letter explaining that the proposed development would not introduce any external lighting save for motion-activated emergency lighting to the rear of the approved units. This aligns with comments made within the submitted Biodiversity Enhancement Scheme at section 5, which confirms that there is no current scheme for lighting at the site.

Self-evidently it is not possible for the applicant to provide details of a lighting scheme in the manner, and to the level of detail, which Condition 6 anticipates in the absence of any external lighting. The absence of lighting, however, does represent the preferred approach in ecological terms as this would best prevent the possibility of impact upon bats and associated foraging and commuting zones.

Notwithstanding the absence of a detailed lighting scheme, therefore, it is considered that the submitted detail can provide confidence of the absence of harmful ecological effects such as to satisfy the purposes of Condition 6 on the basis that no meaningful external lighting is to be provided in association with the approved development.

Condition 7

Condition 7:-

*"**Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details of secure and covered cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The facilities hereby permitted shall not be occupied until the approved cycle parking facilities have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use as cycle parking at all times.*

Reason: To ensure that there is adequate provision for the parking of cycles, and to promote opportunities for sustainable travel in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015)."

In response to the above condition the applicant has provided a plan denoting the provision of cycle store located adjacent to approved unit 5, specified to be an 8x unit store within a written covering letter supporting the submission. The applicant, further, has commented that there is a likelihood that users of individual units will park cycles within approved units given their large open-plan format.

Policy 41 to the HDPF seeks to ensure that development provides a range and quantity of parking sufficient to meet the needs of anticipated occupiers, including in respect of cycle parking. Published LHA guidance on parking at new developments sets an expectation that 'E' Class Uses within the light industrial category provides a minimum of 1x cycle parking space per 150m^2 of floorspace. LHA guidance, further, sets an expectation for 1x cycle parking space per 200m^2 of general industrial floorspace (B2) and 500m^2 of storage and distribution floorspace (B8).

A total of 1,070m^2 of gross-internal floorspace is approved in this instance. Even with regard to the most stringent standard (use class 'E'(g)) within the range of approved uses, therefore, a maximum of 7.13x spaces would be expected in association with the approved development. The proposed 8x unit store, therefore, is sufficient to meet maximum anticipated need and to satisfy the requirements of HDPF Policy 41 in this regard. Condition 7 can be discharged accordingly.

CG Fry and Water Neutrality

In respect of the judgement of the High Court pursuant to *CG Fry & Son Limited v SoS for Levelling up Housing and Communities and Somerset Council* [2023] EWHC 1622 (Admin), it should be noted that ref: DC/23/2037 was approved on the basis of a supporting water-neutrality mitigation strategy. The mitigation measures necessitated by that strategy are secured by way of planning condition attached to the grant of planning permission.

An approval of details reserved by condition in this instance, therefore, would not conflict with the Authority's duties under Regulation 63 of the Protection of Habitats and Species Regulations (2017) as the habitats impacts of approved development have already been considered at an earlier stage of approval.

Recommendation: Application Permitted

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DISC/24/0286
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Details plan	Cycle Parking Shelter	1221.38/01	12.11.2024
Supporting Docs	Biodiversity Enhancement Strategy		11.11.2024
Supporting Docs	Covering Letter	1121.38	11.11.2024

DELEGATED

Case Officer sign/initial Giles Holbrook Date: 10.12.2024

Authorising Officer sign/initial Adrian Smith Date: 10/12/2024